



## *Embassy of the United States of America*

American Citizen Services  
24 Grosvenor Square  
London, W1A 2LQ

### **Information for American Victims of Crime in the United Kingdom**

If you are the victim of a crime in the United Kingdom, the Special Consular Services (SCS) unit of the American Embassy in London is prepared to assist you.

#### **What we can do:**

- Help you replace a lost/stolen passport.
- Help you find appropriate medical care if you are injured.
- Assist you with emergency needs that arise as a result of the crime, such as finding shelter, food, or clothing.
- Help you contact your family, friends, or employer, if you wish.
- Explain how and where you can report the crime to local law enforcement officials.
- Provide you with general information about the criminal justice process in the United Kingdom.
- Provide you with information about resources for crime victims in the United Kingdom.
- Provide you with a list of attorneys practicing in the United Kingdom.
- Provide you with information about crime victim assistance resources in your state of residence, if you are returning to the United States.

#### **What we cannot do:**

- Provide legal advice or represent you in court.
- Pay legal fees or other expenses for you.
- Request preferential treatment for U.S. citizens during legal proceedings in the United Kingdom.

#### **Reporting Crimes:**

- If it's an emergency, call **999** and ask for the police.
- If it's not an emergency, do not call 999, as this could hold up genuine emergency calls. This does not mean the crime is not important – it just helps the police to prioritize their resources. Many police forces have a non-emergency number that you can call instead.

- If the crime took place in London, you can also refer to the main Metropolitan Police website at:  
[http://www.met.police.uk/reporting\\_crime/index.htm](http://www.met.police.uk/reporting_crime/index.htm)
- If the crime took place outside London, you can go to the local police station and report the crime there. You can find the address and telephone number in the local telephone directory, or by visiting  
<http://www.met.police.uk/links/index.htm#uk>.
- While it is no longer possible to report all crimes online, the former online crime reporting website ([www.online.police.uk](http://www.online.police.uk)) provides information about contacting your nearest police department ([www.online.police.uk/forces.htm](http://www.online.police.uk/forces.htm)).
- Finally, if you want to remain anonymous, you can contact Crimestoppers at 080-0555-111.

### **Contacting the Embassy:**

You can reach us by telephone at 011-44-20-7499-9000 from the United States, or at 020-7499-9000 from within the United Kingdom, 24 hours a day, seven days a week. You can reach us by email at [scslondon@state.gov](mailto:scslondon@state.gov), or write to us at:

American Citizen Services  
U.S. Embassy  
55/56 Upper Brook Street  
London, W1A 2LQ

If you return to the United States and need assistance in locating victim services in your community, please contact the Office of Overseas Citizens Services, Consular Affairs Bureau, U.S. State Department, 2201 C Street, NW (SA-29, 4th Floor) Washington, D.C. 20520; telephone 1-800-407-4747.

[Click here for more information on local recourse for victims of crime in the United Kingdom.](#)

### **Additional Information**

Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in London is ready to help. We are very concerned about violent crimes committed against U.S. citizens in the United Kingdom. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime

victims abroad and the United States. We can assist you to find appropriate medical care, contact family or friends on your behalf, and explain how funds can be transferred. We can also help you to better understand the criminal justice system in the United Kingdom.

The information included in this guide relating to the legal requirements in the United Kingdom is provided for general information purposes only. The information may not always be authoritative or relevant to a particular case. Questions involving interpretation of British laws should be addressed to legal counsel licensed to practice law in the United Kingdom. The investigation and prosecution of the crime is solely the responsibility of local authorities. The U.S. Federal Bureau of Investigation (FBI) may be able to assist local authorities in certain cases of kidnapping, hostage-taking, and terrorism.

[Reporting Crimes](#)

[Investigations](#)

[Arrests](#)

[Pretrial Period](#)

[Trial](#)

[Sentencing](#)

[Appeals](#)

[Attorneys](#)

[Victim Compensation](#)

[Special information for cases of sexual assault and rape](#)

[Special information for cases of domestic violence](#)

[Special information for cases of child abuse](#)

[Special information for cases of homicide](#)

#### **REPORTING CRIMES:**

- If it's an emergency, call **999** and ask for the police.
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- If the crime took place in London, you can also refer to the main Metropolitan Police website at:  
[http://www.met.police.uk/reporting\\_crime/index.htm](http://www.met.police.uk/reporting_crime/index.htm)
- If the crime took place outside London, you can go to the local police station and report the crime there. You can find the address and

telephone number in the local telephone directory, or by visiting <http://www.met.police.uk/links/index.htm#uk>.

- While it is no longer possible to report most crime online, the former online crime reporting website ([www.online.police.uk](http://www.online.police.uk)) provides information about contacting the local police force. ([www.online.police.uk/forces.htm](http://www.online.police.uk/forces.htm))
- Finally, if you want to remain anonymous, you can contact [Crimestoppers](#) at 0800-555-111.

***Must crimes be reported in the jurisdiction where they happened?***

There is no general obligation in the United Kingdom to report a crime; if you do report a crime, it can be reported anywhere in the United Kingdom and not necessarily in the jurisdiction in which the crime occurred. There are 42 separate police service areas in the United Kingdom, and each will pass on a report to other relevant police forces.

***Are there special police officers that assist foreigners?***

In some regional and local areas a particular police force may provide specialist assistance. However, in general the United Kingdom does not have a special foreign assistance police force.

***Must police reports be filed within a certain amount of time?***

No. There are limitations provided in legislation relating to time limits for the prosecution of certain offenses. Many minor driving offenses require a notice of prosecution to be served within 14 days of the offense, for example, and some lower-level offenses require trial within six months of the date of the offense. However, there is no limitation on the filing of a police report. That being said, the result of not filing a police report in a timely manner may be that no investigation or prosecution will be instigated.

***Can someone else file a police report on the victim's behalf?***

There is no restriction on who files a police report, although it may be necessary for a victim to provide evidence, and questions may be raised about the nature and severity of the alleged offense if the victim does not file the report.

***Will victims be given a copy of the report?***

When a crime is reported in person at the police station, a police report will be filed by the officer and the victim will receive a summary report. There is, however, no standard police report that must be completed in order to register an offense.

***Will police provide an interpreter?***

Police forces across the country have access to interpreters and will provide one if required.

***How can crimes be reported if the victim has left the country?***

There are some online reporting capabilities in certain areas, such as fraud. However, victims can always write to a police force to register an offense.

***Can crimes be reported to the country's embassy in the United States?***

There is no formal system for this. While the British Embassy or one of the British Consulates in the United States may agree to take a short report and forward it to Interpol, those offices are more likely to advise the victim to contact the UK police directly by telephone.

***Can the U.S. Embassy in London file a complaint on the victim's behalf?***

If you have difficulties filing your police report, please contact the U.S. Embassy in London. While the Embassy is not authorized to act as your legal representative, prosecutor, or investigator, we can help you track the progress of your case and advise you of any developments.

**INVESTIGATIONS:** Many crime investigations, even in the United States, never result in the arrest of a suspect. The United Kingdom is no different.

***Who is responsible for investigating crimes?***

The UK police forces are responsible for investigating crimes. As in the United States, there are numerous police branches. Cases are assigned depending upon the location where the crime was committed.

*Can victims expect forensic evidence to be collected (fingerprints, photographs, etc.)?*

If appropriate to the type of offense, police will collect relevant forensic evidence.

***How will the victim get information about the progress of the investigation?***

If no suspect is arrested, charged, cautioned, reprimanded, given a final warning, or subject to other non-court-based disposal, the police must then notify the victim on at least a monthly basis of progress made in the case until it is closed.

Where an investigation into a serious crime is concluded with no person having been charged with the offense, the police must advise the victim, or family if bereaved, of this fact and the reasons for it. At this time, the victim or family representative will have the opportunity to decide whether they wish to be advised of any review procedures which subsequently take place. This decision must then be recorded by the senior investigating officer at the time of the discussion.

***To whom should a victim report threats, harassment, or intimidation by the accused or his/her family or friends?***

To the local police station.

***How long will the case remain open if there is no arrest?***

Cases can remain open indefinitely. Paperwork relating to a minor crime is likely to be deleted after seven years.

**ARRESTS:**

***If someone is arrested, will s/he be detained until the trial?***

The Police and Criminal Evidence Act 1984 (PACE) establishes the grounds for detention after arrest and prior to charge, while the Bail Act 1976 establishes the grounds for bail on remand once the defendant has been charged and placed before the courts.

PACE has 19 sections on detention and provides a framework including time limits, supervision by a custody officer, and record keeping. A custody officer must be appointed to each suspect in detention whose duties include the establishment under PACE of sufficient grounds for the continuation of detention. The primary ground for detention is “that the custody officer has reasonable grounds for believing that his detention is needed to preserve or obtain evidence of the offense.” Other grounds include categories of risk, such as whether the suspect is a danger to others or himself, medically or in any other way.

The Bail Act 1976 provides that there is a presumption that the defendant will be granted bail after being charged. However, this presumption can be overcome where there are reasonable grounds to believe that the defendant is unlikely to surrender to custody, will commit further offenses, or interfere with witnesses. The court makes this decision on the application of the prosecution.

<http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/>

### ***Will the victim be notified of the arrest?***

When someone is arrested on suspicion of an offense, the police must notify the victim within one working day for vulnerable or intimidated victims, and no later than five working days for all other victims. If the suspect is released with no further action taken, the police must notify the victim of this within one working day for vulnerable or intimidated victims, and no later than five working days for all other victims.

If a suspect is interviewed and/or reported for offenses by a police officer for relevant criminal conduct, the police must notify the victim and inform them that a file will be submitted for a decision on prosecution or summons. This notification must be given within three working days of the suspect being interviewed and/or reported.

When a summons is issued by the court, the victim must be notified of this fact and the date of the first hearing within five working days of the police being notified of the summons being issued. It is the duty of the police to notify victims of all decisions to bring any criminal proceedings for a relevant offense.

If a decision is made not to prosecute the suspect, the victim must also be notified of this fact. If the decision is made by the police, the responsibility for notification lies with the police. In this case vulnerable or intimidated victims must be notified within one working day of this decision; all other victims must be notified within five working days.

Once the police and Crown Prosecutor decide whether or not to go ahead with a prosecution, the police must notify vulnerable or intimidated victims within one working day and all other victims within five working days.

### ***Will the victim be asked to identify the perpetrator in-person or in a police lineup?***

If identification is in doubt, the victim may be asked to identify the suspect. However, this only applies to cases where identification is in doubt. In these circumstances, police procedures dictate beginning with the most secure of methods of a line-up: commonly, video identification from pictures on a computer screen.

If this is not possible (for example, if the defendant is distinctive in appearance and seven other individuals of similar appearance cannot be located), then other methods may be used, such as identification in a crowded place or, in rare instances, face-to-face confrontation. The rules are designed to ensure fairness in the identification to the defendant to avoid undue police influence on the witness.

### **PRETRIAL PERIOD:**

#### ***Is there a distinction between misdemeanors and felonies?***

The United Kingdom does not have the same system as the United States. Instead, it has three categories of trial options:

1. Summary offenses, the lowest level of offenses, can only be tried by a Magistrates Court (three lay judges or a single stipendiary (a paid magistrate) who is legally qualified).

2. “Either-way” offenses may be tried by a Magistrate Court or before a Crown Court jury, depending on the wishes of the defendant (who has the right to trial by jury) or, depending on the seriousness of the offense, by the Magistrates Court.

**3. Indictable offenses, the highest offense category, which must be tried by a jury.**

#### ***Who decides if charges will be filed?***

The Crown Prosecution Service (CPS, <http://www.cps.gov.uk/>) and the police work together to decide if charges will be filed.

#### ***Who decides if the case will go to trial?***

The CPS.

#### ***Who is responsible for the prosecution?***



**The CPS.** The CPS is also the department responsible for determining the appropriate charge.

***What courts have jurisdiction in criminal cases?***

Magistrates Courts and Crown Courts

***Is there an equivalent to plea bargaining?***

There is no plea bargaining in the UK system. Prosecutors have a primary and independent responsibility to decide on the charges and therefore may choose a charge which s/he believes the defense may accept. The overriding principle is that the charge reflects the seriousness of the offense and hence no bargaining is permitted.

***Are there victim advocates that represent the victim's interests?***

Yes. Under the victim advocate scheme, bereaved families in murder and manslaughter cases are able to make a Family Impact Statement (FIS), which may be made orally to the court at the time of sentencing. The family may be assisted in making the statement by either the prosecutor or an independent advocate.

***Who does represent the victim?***

The Crown Prosecutor represents the interests of the victim. The Code of Practice for Victims of Crime (<http://www.homeoffice.gov.uk/crime-victims/victims/Victims-rights/>) was introduced on April 3, 2006. The Code represents a minimum standard of service and its aim is to ensure that victims of crime are provided with timely, accurate information about their case, at all stages of the criminal justice process.

**TRIAL:**

***How long do trials normally last?***

Magistrates Court trials can last from a few hours to a few days. Crown Court trials can last anywhere from a few days to a few months. There is no time limit on how long a trial can take.

***Will the victim be required to return to the host country one or more times to testify?***

It depends if their evidence relates to an issue in the case. In some cases, the victim may not be required at court and their statement could be read if accepted by the defense.

Likewise, witnesses may not need to appear at trial for various reasons. For example, if their evidence is accepted, the victim can be excused through fear or serious illness, or if it is impracticable to obtain their attendance, or if their evidence is kept in a business record. However, these are all issues which are decided by the court, based on the specific reason. The overriding duty of the court is to ensure a fair trial under legal principles and under Article 6 of the Human Rights Act.

If the victim does attend to give evidence, it is unlikely that they will be required more than once, unless an unusual situation arises.

***Can the victim submit a written statement, or provide testimony at the host country's embassy in the United States?***

Yes, but this is unnecessary. A written statement can be taken by UK police by phone/email/fax. Testimony required for trial has to be given in person but could be via video-link, which could be from any suitable place.

***Who else will be present in the courtroom?***

A courtroom is generally open, meaning media and other individual members of the public are able to attend. In exceptional circumstances the courtroom may be cleared and closed. However, there are stringent rules and applications to clear the courtroom which make it difficult to achieve.

***Does the court provide translation for witnesses who do not speak English?***

Yes. The court does provide translators for witnesses and defendants on the application of the relevant party.

***Will there be a jury?***

Most minor criminal cases, often referred to as summary offenses, are heard in local Magistrates' Courts either by a panel of lay magistrates assisted by a legally trained clerk, or by a legally trained district judge sitting alone. Magistrates cannot typically order sentences of imprisonment which exceed six months (or 12 months for consecutive sentences) or fines exceeding 5,000 GBP. There is no jury.

Serious offenses such as murder, rape, and robbery are called indictable-only offenses and are passed by the Magistrates' Courts to the Crown Court to be heard by a judge and a jury. Only Crown Court judges have the power to pass sentences above a certain level of severity.

*Are there special protocol requirements in the courtroom (i.e. appropriate dress, standing when the judge enters, etc.)?*

Members of the public should remove headgear unless it is of a religious nature. Everyone stands when the judge enters or leaves. Every Crown Court has a Witness Service representative who explains these matters to witnesses.

## **SENTENCING:**

*If found guilty, when will sentencing take place?*

Either immediately, or following the receipt of pre-sentence reports (six to eight weeks). However, if there are co-defendants, sentencing may take place only at the conclusion of all relevant trials.

*Does the victim have input at sentencing?*

Yes, but limited. The Victim Personal Statement ([http://www.cjsonline.gov.uk/victim/coming\\_forward/victim\\_personal\\_statement/](http://www.cjsonline.gov.uk/victim/coming_forward/victim_personal_statement/)) was introduced on October 1, 2001. It is intended to give victims of crime an opportunity to describe the wider effects of the crime upon them and express their concerns. In some cases the victim is entitled to make personal presentations.

The following principles guide victim impact statements: the evidence must be in admissible form, and the court must pass what it judges to be the appropriate sentence. Bear in mind that the opinions of the victim or the victim's close relatives as to the appropriate level of sentence are not considered relevant.

*Will the sentence be served immediately?*

Yes.

*Will the victim be notified when the perpetrator is transferred or released?*

No.

## **APPEALS:**

### ***Can the accused appeal?***

The defendant can appeal against conviction, sentence, or both. The Appeal from the Magistrate's Court is to the Crown Court sitting as a court of appeal and is essentially a re-hearing. From the Crown Court appeals are made to the Court of Appeal. The Court of Appeal may only overturn a conviction if the conviction is deemed to be unsafe (Criminal Appeal Act 1968, s.2 as amended).

If the court is satisfied that despite any irregularity, misdirection, or fresh evidence that the conviction was safe, then the Appeal will be dismissed. Although there are a considerable number of grounds on which an appeal may be lodged, the three listed above are the primary grounds.

### ***How long does the appeal process take?***

A Notice of Appeal should be given within 28 days of conviction or sentence (although this may be extended). A single judge of appeal will initially decide whether to grant permission to appeal. However, should a single judge make a ruling rejecting permission to appeal, a second appeal of this decision may be made to the full court. Bear in mind there is a penalty for doing this if the appeal is considered unmeritorious. Also, it may take many months for an appeal to be heard.

### ***Are victims expected to testify during appeals as well?***

An appeal of a decision from a Magistrates Court is by re-hearing, in which case the entire trial is re-heard but this time in the Crown Court (without a jury) before a single Crown Court judge and two lay magistrates sitting as judges of appeal.

In these circumstances, the victim will be required to give evidence if relevant. In the Court of Appeal no live evidence is generally heard, although there may be specific circumstances (such as fresh evidence) where live evidence is required. The Court of Appeal does not review the facts of the case, merely the conviction.

## **ATTORNEYS:**

You may wish to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures are different from those in the United States. Although the Crown Prosecutor is responsible for prosecuting your case, you can hire an attorney to promote your interests with the police and the court. While our

office cannot recommend specific attorneys, the U.S. Embassy in London can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available on the Internet at [http://london.usembassy.gov/cons\\_new/acs/scs/attorneys.html](http://london.usembassy.gov/cons_new/acs/scs/attorneys.html)

The United Kingdom does have public defenders, as in the United States. The Legal Services Commission will help you if you are charged with a crime. The Legal Services Commission has responsibility for two schemes: the civil scheme for funding civil cases as part of the Community Legal Service, and the Criminal Defense Service, which provides advice and representation for people facing criminal charges.

Legal advice and assistance is available at no charge to any person questioned by the police, whether they have been arrested or not, from a solicitor whose company is contracted with the Legal Services Commission. **This is an important protection and should not be disregarded.** Once a detained person has asked for a solicitor, police should not question them further. Only in certain serious cases, and only with the consent of a senior police officer, can police delay an accused's right to legal advice. A detained person has several choices: the police may contact a duty on-call solicitor, they may provide a list of local solicitors, or the accused may contact their own solicitor or one previously recommended.

A person summoned (subpoenaed) or bailed before court should seek legal advice prior to the hearing. Contact information for criminal law practitioners is available from the Community Legal Service website at: <http://www.legalservices.gov.uk/civil.asp> or by phone at 0845-345-4345, from a Citizen's Advice Bureau, or a law center.

A person who has declined legal advice while in police custody, and who is taken directly to court is strongly advised to ask for a duty solicitor (public defender) before appearing in front of the magistrates. The duty solicitor can advise about procedure, bail, and retaining a solicitor. He or she can also represent the accused at the first appearance in court.

Solicitors provide comprehensive legal services, including legal advice and representation in Magistrates' Court. Some solicitors and solicitor advocates also have right of audience in the Crown Court and Court of Appeal. In complex cases, this role is given to a barrister. Barristers are specialist legal advisers and courtroom advocates who can only be approached through a solicitor. The role of the solicitor becomes one of research and advice to the client.

The Law Society is the representative and regulatory body for solicitors of England and Wales. Complaints about solicitors should be directed to the Consumer Complaints Service, The Law Society, Victoria Court, 8 Dorner Place, Leamington Spa CV32 5AE, telephone 0845-608-6565, e-mail [enquiries@lawsociety.org.uk](mailto:enquiries@lawsociety.org.uk).

#### **VICTIM COMPENSATION:**

##### ***Is there a national crime victim assistance office?***

Yes, the Criminal Injuries Compensation Authority (CICA).  
(<https://www.cica.gov.uk/>)

##### ***What does The Criminal Injuries Compensation Authority (CICA) office do?***

CICA is a non-governmental public body which administers the Criminal Injuries Compensation Scheme throughout England, Scotland, and Wales. It provides a victim compensation program that reimburses victims in certain circumstances. More information can be found at

[https://www.cica.gov.uk/portal/page?\\_pageid=736,1&\\_dad=portal&\\_schema=PORTAL](https://www.cica.gov.uk/portal/page?_pageid=736,1&_dad=portal&_schema=PORTAL)

##### ***Will it provide referrals for psychological, medical, and/or legal assistance?***

No.

##### ***How can victims contact this office?***

CICA can be contacted online at:

[https://www.cica.gov.uk/portal/page?\\_pageid=736,226291&\\_dad=portal&\\_schema=PORTAL](https://www.cica.gov.uk/portal/page?_pageid=736,226291&_dad=portal&_schema=PORTAL), by phone at 0800-358-3601, or by fax at 014-1331-2287. The lines are open from 9 a.m. to 8 p.m. Monday to Friday, and from 10 a.m. to 6 p.m. on Saturdays.

If you wish, you may write to CICA at:

Criminal Injuries Compensation Authority  
Tay House  
300 Bath Street  
Glasgow  
G2 4LN

***Are there domestic violence and sexual assault hotlines?***

Yes. There is a 24-hour National Domestic Violence Helpline at 0808-200-0247, which is run in partnership between Women's Aid and Refuge. The police and social services may also provide victims with contact information to additional refuges across the United Kingdom.

***Can the court order the perpetrator to pay restitution?***

Yes, through a compensation order.

***Can the victim file a civil suit for damages?***

Yes.

**SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE:**

Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, victims should not change clothes, should avoid bathing if possible, and should have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor. **A consular officer or after-hours duty officer from the U.S. Embassy may be able to accompany victims of sexual assault for the medical exam upon request.**

***How are sexual assault and rape defined in the United Kingdom?***

Rape is a crime of basic intent, and drunkenness is not a defense. Rape is indictable only and carries a maximum penalty of life imprisonment. Spousal rape is also considered a crime. Sexual Assault and Rape are defined by the Sexual Offenses Act 2003, as described below.

## Section 1 Rape

- (1) A person (A) commits an offense if—
  - (a) he intentionally penetrates the vagina, anus, or mouth of another person (B) with his penis,
  - (b) B does not consent to the penetration, and
  - (c) A does not reasonably believe that B consents.
- (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- (3) A person guilty of an offense under this section is liable, on conviction on indictment, to imprisonment for life.

## Section 2 Assault by penetration

- (1) A person (A) commits an offense if—
  - (a) he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,
  - (b) the penetration is sexual,
  - (c) B does not consent to the penetration, and
  - (d) A does not reasonably believe that B consents.
- (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- (3) A person guilty of an offense under this section is liable, on conviction on indictment, to imprisonment for life.

## Section 3 Sexual assault

- (1) A person (A) commits an offense if—
  - (a) he intentionally touches another person (B),
  - (b) the touching is sexual,
  - (c) B does not consent to the touching, and
  - (d) A does not reasonably believe that B consents.
- (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- (3) A person guilty of an offense under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;



(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

***Does the legal definition vary from region to region?***

No, the legal definition is the same for the whole of the United Kingdom

***Who authorizes forensic sexual assault exams in the host country?***

In London, forensic sexual assault examinations are provided at the Havens, which are Sexual Assault Referral Centers, or SARCs.

The Havens are either contacted by the police (which has specialized units dealing with sexual assault) or by the victim if she/he doesn't want to involve police. Thus in London, the Havens see police referrals and self referrals. However, in other parts of the country, you must go through the police to have a forensic examination.

The decision whether or not to examine rests with the doctor (and crisis worker) on call. All Havens staff are specially trained for this work and protocols are in place to provide guidance in making this decision. Since 90 percent of referrals come from the police, the police officer in the case would also make a decision as to whether – from a police point of view – an examination should be offered.

***Are exams done in every case?***

A forensic examination is offered in every case within the appropriate time frame. The time frame for a forensic examination is up to seven days after vaginal intercourse and to 72 hours after anal intercourse, with more specific time frames for other types of assault. However, victims are advised to always contact police or the Havens for advice, as the decision can be complex.

The Havens see children of all ages up to three days after the assault. In cases of children, doctors use colposcopy to look for genital injuries. Consultant pediatricians attend to assist with all children aged less than 13 years. All cases less than 16 years are followed up by the community pediatrician.

***Who performs forensic sexual assault exams?***

Trained doctors assisted by Crisis Workers, who act in the dual role of patient advocate and support for doctors. At the Havens, the Sexual Offense Examiners (SOE) and Crisis Workers (CW) are all female.

Child examinations are done by two doctors – a SOE and a pediatrician – as well as a CW. Outside London, the examination might be done without the help of a CW.

***Where should victims go for a sexual assault exam?***

The Havens may be contacted by the police or by the victim, if she/he does not want to involve police. Thus in London, Havens see police referrals and self referrals.

***What does a forensic sexual assault exam involve?***

Please note that while the Havens follows the recommendations of the Metropolitan Police forensic experts, there is no set procedure. Clients may refuse to have some samples taken, or circumstances might dictate otherwise.

In general, however, the exam will involve a description of the event from the police (or client) and full medical history. It may also include a complete examination of skin, mouth (including mouth swab if within time frame), fingernails, vaginal, penile, and anal swabs, blood and urine samples taken, examination with proctoscope and speculum, and documentation of injuries on body diagrams. Hair samples (head/pubic) may also be taken.

***Will the victim be allowed to bring a support person?***

The Havens: Yes, one or two members of the family or a friend are allowed. The presence of a support person is discussed with self referrals at the time the appointment is made.

***Who pays for the exam?***

The examination is free of charge for the alleged victim.

***If the victim decides not to have a medical exam, will that make a difference during the trial?***

It could make a difference, since the findings of the forensic examination might support the allegation. Declining the examination can also be used as an argument against the victim. However, having an examination or not is entirely the choice of the alleged victim.

***Can rape/sexual assault charges be filed without an exam?***

Yes, the examination is offered to anyone within the time frame for examination. The person can decline the examination, but the police will still take a report and investigate.

Regardless, you should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases.

***Is emergency contraception (the morning-after pill) available in the host country?***

Yes.

***Is HIV prophylaxis available?***

Yes.

***Who will interview the victim?***

The police officer interviews the victim regarding the history of assault. The doctor will take the history of assault from police and check it with the victim. In case of self referrals, the doctors will take the history of assault directly from the victim.

The medical and other questions asked during the forensic examination will be asked outside the presence of police.

***Will he or she be interviewed by multiple people?***

Possibly. There will be one interview with the police, and another with the doctor.

***Is acquaintance rape (date rape) taken seriously?***

Date rape is taken extremely seriously.

***Is spousal rape a crime?***

Yes.

***Are there special considerations for male rape?***

No, the law treats both equally. The sex of the victim is irrelevant.

***Are there laws that protect the identity of sexual assault survivors?***

The Sexual Offenses (Amendment) Act 1992, ss.1-4, provides that no matter relating to that person shall during their lifetime be included in any publication if it is likely to lead members of the public to identify that person. There are circumstances where the defendant can apply for this section not to apply particularly in cases where the identification of the victim may encourage others with evidence relevant to the defense to come forward.

However, in court it is a general rule that a defendant is entitled to face his accuser and hence anonymity in court requires careful consideration. However, reporting is still restricted even if anonymity in court is not provided.

***Can s/he expect media attention?***

Under normal circumstances, no.

***Is there a rape crisis hotline?***

Yes. Women's Aid is available at **0808-200-0247**. Refuge is available at 0808-200-0247.

***Do operators speak English?***

Yes.

**SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE:**

***Is domestic violence considered a crime in the United Kingdom?***

Yes.

***How can victims get a protection/restraining order?***

Victims of domestic violence may apply for and receive civil injunctions protecting them from further abuse. However, primarily in criminal law, bail is generally granted on the basis of conditions that can be applied in any case. These bail conditions generally include non-molestation and interference with witness orders as well as numerous other potential conditions designed to ensure surrender

to custody at the appropriate time and protection of witnesses. A standard condition is geographical restrictions preventing the defendant from entering certain areas or regions.

***How are restraining orders enforced?***

Breach of bail conditions opens the defendant to arrest where he will be brought back to court. The court may consider his breach of conditions as a significant factor in the decision whether to grant him bail again.

***Are there domestic violence shelters in the host country?***

Yes. Please see Women's Aid at: <http://www.womensaid.org.uk/>, or call **0808-200-0247**. Alternatively, there is Refuge at: <http://www.refuge.org.uk/>, or call: 0808-200-0247.

***If so, are they secure?***

Yes. A refuge is a safe house for women and children escaping domestic violence. The address is confidential and men are prohibited from entering the building. A refuge is a place where victims can be assured of their safety, as well as have access to emotional and practical support from qualified staff.

***How many beds do the shelters have?***

It varies from shelter to shelter, but generally, around 15.

***Can they usually take clients on a walk-in basis?***

No. The shelter locations are not publicly known. For that reason, it is impossible for them to take clients on a walk-in basis.

***Can children stay at the shelters?***

Yes.

***Is there a domestic violence hotline?***

Yes. Women's Aid is available at **0808-200-0247**. Refuge is available at 0808-200-0247.

### ***Do operators speak English?***

Yes.

### ***Is “stalking” a crime in the United Kingdom?***

The Protection from Harassment Act 1997 was designed to protect individuals from harassment and similar conduct. It was passed for the purpose of dealing with the phenomenon of “stalking.”

It covers wider actions than simply stalking but provides no specific definition of harassment. Essentially, it covers stalking, anti-social behaviour by neighbours and racial harassment. Generally, the basic offense is summary only, carrying a maximum of six months imprisonment, or fine, or both. However, breaching civil injunctions and other prohibitions could be “either-way” offenses.

([http://www.opsi.gov.uk/acts/acts1997/ukpga\\_19970040\\_en\\_1](http://www.opsi.gov.uk/acts/acts1997/ukpga_19970040_en_1))

### ***Contact information for domestic violence emergency programs:***

Please see Women’s Aid at: <http://www.womensaid.org.uk/>, or call **0808-200-0247**. **Alternatively, there is** Refuge at: <http://www.refuge.org.uk/>, or call: 0808-200-0247.

### **SPECIAL INFORMATION FOR CASES OF CHILD ABUSE:**

#### ***What government authority is responsible for the protection of children?***

Both British social services and the police are responsible for the protection of children. Either can initiate investigations into alleged child abuse or neglect.

#### ***What authority do they have to investigate allegations of child abuse?***

Social services are legally bound by the Children Act 1989 to investigate any allegations of child abuse or neglect.

#### ***How can suspect child abuse be reported?***

A concerned individual can report the matter directly to their local social services office, the local police, or the National Society for the Prevention of Cruelty to Children (NSPCC) Child Protection Helpline at 0808-800-5000.

#### ***Who is mandated to report suspected child abuse?***

Social services are legally bound by the Children Act 1989 to investigate any allegations of child abuse or neglect.

([http://www.opsi.gov.uk/acts/acts1989/ukpga\\_19890041\\_en\\_1](http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_1))

***Where would an American child be placed if he or she was removed from the home?***

In most cases, the child will be placed with a foster family.

***What local resources have expertise in helping child victims?***

The aim of the National Society for the Prevention of Cruelty to Children (NSPCC) is to protect children from cruelty, support vulnerable families, campaign for changes to the law, and raise awareness about abuse. The NSPCC supports 177 community-based projects and runs the Child Protection Helpline as well as the ChildLine in the United Kingdom and the Channel Islands.

ChildLine is the United Kingdom's free, 24-hour helpline for children in distress or danger. The telephone number is **0800-11-11**. Trained volunteer counselors comfort, give advice, and protect vulnerable children and young people who may feel they have nowhere else to turn.

***What medical resources are appropriate for the medical examination of an American child who may have been physically or sexually abused?***

If social services think the child has been harmed or is at risk, the child may need to be examined by a pediatrician to determine whether the child has been physically harmed in any way or has other medical needs. If it is vital that the child is examined but the parents refuse, then a court order may be sought so that the examination can take place.

***Will the child be expected to testify if the abuser is charged with a crime?***

It is a decision for the CPS to determine whether or not a minor is required to testify at any trial.

***How will the child be prepared for the trial?***

Social services, in conjunction with the police, will look after the child's welfare during any court proceedings. They are able to take the child around the court to familiarize him/her if he/she is to appear there.

***Will the court make special accommodations for the child to minimize the trauma of testifying?***

The child's evidence in chief will invariably be given as the video of his/her police interview.

There are special measures available for the cross examination including video links/screens rather than an appearance at court.

#### **SPECIAL INFORMATION FOR CASES OF HOMICIDE:**

***Is an autopsy required in homicide cases?***

**Yes.**

***Are surviving family members able to participate in the prosecution?***

They can provide a victim impact statement and will normally be allowed to contact the prosecutor or police for updates. Beyond this, however, they are not expected to participate in the prosecution.

***Are there any special requirements for handling the estate in homicide cases?***

This is a civil matter, and it is unlikely the criminal courts would get involved.